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"belonging to any person who shall abscond" applies strictly, is a fair interpretation of the meaning of the code. Would not a common sense interpretation of this expression be that "goods belonging to any person who shall abscond" is merely a general designation of the goods brought into the hotel by such person. The old common law rule seems to be a fair one, all things considered; it has stood the test of time, and it is difficult to understand why a court should strive to construe a statute as antagonistic to it rather than in harmony with it, especially in view of the extraordinary liability to which innkeepers are subjected. It would seem that the court, in its anxiety to protect the rights of the owner of the goods, had rather overlooked the rights of the unfortunate innkeeper.

BOOK REVIEWS.

ORIGIN AND GROWTH OF THE ENGLISH CONSTITUTION. By HANNIS TAYLOR. Boston and New York: Houghton, Mifflin & Co. 1898.

We find comprised in these two volumes a clear and comprehensive history of that Constitution of England, which certainly had a strong and direct influence upon the Constitution of the United States, through having moulded the minds of the men who were its makers, even though the former may not have been so exclusively the model of the latter, as Mr. Taylor contends.

In reading the first volume we seem to be listening to a chorus of familiar voices. The powerful accents of Maine, Stubbs, Vinogradoff and Fiske, unmistakable—each in his own way phrasing his own new thought of the old facts, and mingled always with the cadenced English of Green—meet us everywhere. Mr. Taylor has used his authorities copiously, yet he has used them well; and the pleasure of hearing the old voices is not marred by the presence of the new host, who has gathered them about him. That he asks them to do much of the talking cannot but be excused to the listener, by the fact that they talk so very well. Mr. Taylor himself speaks clearly, simply, and carries his theme on steadily to its appointed end. He has written a valuable work, but the ground has been so well covered before, that perhaps the chief advantage of the present work will be found in its simplicity of method and arrangement, which makes a reference to any specific period a very quick and easy matter.

That he is right in his idea that the original binding element of the Teutons was a national and not a geographical one, seems indisputable. In our new idea of an Anglo-Saxon domination of the earth we seem to be undoing, in some degree, the work of the years between ourselves and those ancient Teutonic peoples, again we come to the idea of a tie of race, rather than of physical

propinquity. It is a question if this gradual yielding to subserviency to the land, to a thing in the place of an idea, was not a stepping aside from the straight path of progress toward civilization, upon which our ancestors had entered.

In his interesting exposition of the "brand-new idea" of giving the Federal Government the power to execute its laws on the individual directly, not on the states in their corporate capacity, Mr. Taylor is emphasizing a most interesting element of the situation at the formative period of our Constitution. But, perhaps, it is still more interesting to consider that this federal head, which was so to act, was not a physical fact at all. The states in their union did not, as was the case with other headships of federated states, grant such headship to the largest or more powerful state among them all. This "head" of the makers of our Constitution was not a head at all, but an animating soul, through whose influence all members were controlled and brought to act as one body, without any one being set above or below another.

In view of the immensity of the work undertaken, the long translations from Cæsar and Tacitus of passages more than familiar seems hardly justified, while the profound suggestions of Seebohm and De Coulanges are not allowed to influence the text, but are passed over in a foot note.

To the rather peculiar repetitions of the words and phrases of his authorities, without any apparent fusing or transmigration through his own thought, is added a still more peculiar repetition of the author's own phrases in different portions of the book. As instances, we note a repetition of a portion of page 276 on page 282, paragraph 2, and of a portion of page 392 on page 426. It indicates the method of composition, perhaps, a little too clearly to be wholly pleasant.

In selecting the more individual portions of the work we should turn to the introduction and to the last chapter. We think that very few will dissent from the statement in the introduction that our Constitution is a growth and not a creation. If anyone appears to controvert this fact, it is rather because of an inadequate statement of the idea of the almost miraculous crystallization of contemporary thought in that instrument, than to an idea that the thought itself was wholly new. Gladstone was not so shallow as to intend to give to the words "struck off," which are here quoted, the meaning of instantaneously created. That the instrument was "struck off" in a marvellously short time is an undisputed fact. But that no more implies that it was a creation of hitherto non-existent ideas, than the fact that by its formation the new nation of Americans at once sprang into existence implies the creation of a new race of human beings.

The last chapter is very valuable, setting forth, as it does, the last results of constitutional government in England, especially in relation to local self-government and the extension of the franchise. Between these two chapters lie those which set forth the result of

evidently long and unremitting labor and research. And while they add nothing to the reach of our thought or the knowledge of fact on the subject, yet they do give us a clear, interesting and intelligible view of the road over which the English people have passed, in their long pilgrimage of nearly a thousand years, from William of Normandy to Victoria of England.

M. C. K.

SHORT STUDIES IN EVIDENCE. By IRVING BROWN. Albany, N. Y.: Banks & Brothers. 1897.

Mr. Irving Browne has collected into a single volume a number of papers on various topics under the law of evidence, which he has contributed at various times to the legal periodicals. No attempt has been made to produce a new work on the law of evidence ; the twelve papers are entirely disconnected and are not even arranged in logical order of sequence. The title gives no idea of the contents and we can do no better than give the separate headings of the essays : Practical Tests in Evidence ; Theology on the Witness-Stand ; Evidence of Declarations and Reputations as to Private Boundaries ; Parol Evidence to Add a Warranty to a Written Sale ; Parol Admission of Contents of a Writing ; Degrees of Secondary Evidence ; Unofficial Entries by Third Persons ; The "Excess and Deficiency Clause" in Bills of Lading ; Of the Disqualification of Parties as Witnesses ; Testimony of Parties on Criminal Prosecution ; Parol Evidence in Respect to Writings Under the Statute of Frauds ; Self-Serving Declarations. Many of these articles were written years ago, one as early as 1857, and great improvement could have been made in the practical value of the volume had some notes been added containing recent cases. Some of the "studies" are very entertaining, notably the first : Practical Tests in Evidence, and the eight hundred cases cited are of use as pointing to certain line of cases. The volume is ordinary size, containing 250 pages, and has appended a table of cases and index.

J. F. B. A.

SELECTED CASES ON THE LAW OF PROPERTY IN LAND. By W. A. FINCH, Professor of Law in Cornell University College of Law. New York : Baker, Voorhis & Co. 1898.

This work, as the preface informs us, "contains a classified selection of cases on the topics usually taught in our law schools in the course on "Real Property," and, as evidenced by the omission of head notes from the cases, is intended for use in those schools.

The analysis of the subject, and the classification of the cases are both excellent, though Chapter 3, of Part III. would seem to be superfluous in view of Chapters 3 and 4 of Part IV., which contain the same titles, illustrated by the same cases. The system of cross references by which one report of a case is utilized to illustrate several different topics seems a good one in view of the space limitation imposed by the author upon himself, though it may be that in